

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

LEONEL O. MARTINEZ,

6:13-CV-00384-PK

Plaintiff,

ORDER

v.

COLETTE S. PETERS, Director,
O.D.O.C.; JEFF PREMO,
Superintendent, O.S.P.; M. YODER,
Asst. Superintendent of Security
O.S.P.; S.T.M. LT. YANCEY;
S.T.M. LT. UFFORD; and STEVE FRANKE,
Superintendent of T.R.C.I.,

Defendants.

BROWN, Judge.

Magistrate Judge Paul Papak issued Findings and Recommendation (#131) on March 3, 2015, in which he recommends this Court deny Plaintiff's Motion (#55) for Summary Judgment, grant Defendants' Motion (#72) for Summary Judgment, grant Defendants' Motion (#91) to Dismiss, dismiss with prejudice Plaintiff's § 1983 claim set forth in his original Complaint (#2), and dismiss without prejudice Plaintiff's § 1983 claim set

forth in his Supplemental Complaint (#82). The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, this Court is relieved of its obligation to review the record *de novo*. See *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009). See also *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)(*en banc*). Having reviewed the legal principles *de novo*, the Court does not find any error.

CONCLUSION

The Court **ADOPTS** Magistrate Judge Papak's Findings and Recommendation (#131). Accordingly, the Court **DENIES** Plaintiff's Motion (#55) for Summary Judgment, **GRANTS** Defendants' Motion (#72) for Summary Judgment, **GRANTS** Defendants' Motion (#91) to Dismiss, **DISMISSES with prejudice** Plaintiff's § 1983 claim set forth in his original Complaint (#2), and **DISMISSES without prejudice** Plaintiff's § 1983 claim set forth in his Supplemental

Complaint (#82).

IT IS SO ORDERED.

DATED this 8th day of April, 2015.

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge